

REMARKS

Applicant has received and reviewed the Final Office Action mailed by the Office on January 25, 2007 (hereinafter, “Final Action”), and submits this response to the Final Action.

Claims 1, 3-4, 20-22, and 30-42 are for consideration upon entry of the present Response. Applicant requests favorable consideration of this response and allowance of the subject application based on the following remarks.

Applicant’s remarks after Final are appropriate under 37 C.F.R. §1.116 because they address the Office’s remarks in the Final Action, and thus could not have been presented earlier. In addition, the amendments and remarks should be entered to place the application in better form for appeal.

Double Patenting

Claims 1, 3, 4, 20-22, and 30-42 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over U.S. Patent No. 6,625,669 (hereinafter “the ’669 patent”) in view of U.S. Patent No. 5,241,536 to Grimble et al. The Office states the conflicting claims are not identical, but are not patentably distinct from each other.

Applicant respectfully disagrees. Claims 1, 3, 4, 20-22, and 30-42 include elements that are not present in the claims of the parent application. In particular, Applicant’s claims recite features such as a “busy” or “available for use” status indicator.

Applicant asserts Grimble is non-analogous art. Grimble is directed towards broadband telecommunications. Thus, the reference relied upon is not reasonably pertinent to

the particular problem with which the invention is involved. Therefore, Applicant respectfully requests that the double patenting rejection be removed.

Claim Rejections under 35 U.S.C. § 103

Claims 1, 3-4, and 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 6,029,213 to Belt et al. (hereinafter “Belt”), in view of U.S. Patent Application Publication No. 6,360,281 to Feagans further in view of U.S. Patent No. 5,241,536 to Grimble et al. (hereinafter “Grimble”). Applicant respectfully traverses the rejection.

Independent Claim 1 recites a computer system comprising:

a port detector to create a list of virtual port names of existing communication ports in the computer system and to determine whether each communication port is either available for use or busy;

a system registry that contains configuration parameters of the computer system;

a port renaming module to:

check the system registry to identify one or more communication ports associated with one or more infrared transceivers;

rename each communication port associated with an infrared transceiver from a corresponding virtual port name to a different virtual port name;

display the list of virtual port names updated with the different virtual port names; and

display a status indicator associated with each different virtual port name indicating whether the corresponding communication port is available for use or busy.

Applicant respectfully submits that no such system is taught or suggested by Belt, Feagans, or Grimble.

References Fail to Teach or Suggest Rename Communication Port, Status Indicator Busy

First, Applicant asserts the Office has failed to establish a *prima facie* case of obviousness. Applicant agrees with the Office that Belt fails to teach the features of Claim 1. In particular, Belt fails to teach or suggest “rename each communication port associated with an infrared transceiver from a corresponding virtual port name to a different virtual port name; display the list of virtual port names updated with the different virtual port names; and display a status indicator associated with each different virtual port name indicating whether the corresponding communication port is available for use or busy”, as recited in Applicant’s Claim 1.

Belt is directed to a method for an automatic IR port detection device provided in a portable computer (Abstract). In Belt, there is no mention of renaming each communication port and a status indicator indicating whether the corresponding communication is available for use or busy. Applicant fails to find any mention of these features in Belt.

Feagans fail to compensate for the deficiencies of Belt. Feagans is directed towards a system and method for communicating with a serial communications device (Abstract). Feagans states that during initialization, communications ports are configured with user friendly names and mapped to virtual ports using the port router (col. 7, lines 62-64). Furthermore, Feagans assigns a user-friendly name such as “Sportster” to a COMx (Col. 7, lines 66-67). While there is mention of names, there is no mention of renaming each communication port associated with an infrared transceiver from a corresponding virtual port name to a different virtual port name, as recited in Applicant’s Claim 1. Also Feagans fail to teach or suggest “a status indicator associated with each different virtual port name indicating whether the corresponding communication port for use or busy”, as recited in

Applicant's Claim 1. Thus, Feagans does not provide what is missing from Belt to support a §103 rejection.

Grimble fails to compensate for the deficiencies of Belt and Feagans. Grimble is non-analogous art, as it is towards telecommunications (Abstract). Grimble is directed towards broadband telecommunications switching and to high speed ATM packet switches (col. 1, lines 6-9).

Belt, Feagans, and Grimble, alone or in combination, do not teach or suggest “rename each communication port associated with an infrared transceiver from a corresponding virtual port name to a different virtual port name; display the list of virtual port names updated with the different virtual port names; and display a status indicator associated with each different virtual port name indicating whether the corresponding communication port is available for use or busy”, as recited in Applicant's Claim 1. Accordingly, Applicant submits that the evidence relied upon by the Office does not support the rejections made under §103(a).

Grimble is Non-Analogous Art

Applicant traverses the rejection of Claim 1 because Grimble is non-analogous art. For the purposes of evaluating obviousness of claimed subject matter, the particular references relied upon must constitute “analogous art” (MPEP §2141.01(a)). The art must be from the same field of endeavor, or be reasonably pertinent to the particular problem with which the inventor is involved.

Regarding the first prong of the above analysis, Grimble is not from the same field of endeavor as the Applicant's subject matter. Grimble is directed towards broadband telecommunications switching and to high speed ATM packet switches (col. 1, lines 6-9).

In contrast, Applicant's subject matter pertains to computer methods for identifying and naming communication ports associated with infrared devices. Thus, Grimble is clearly not from the same field of endeavor as is Applicant's subject matter.

Turning now to the second prong of the above analysis, Grimble is not reasonably pertinent to the particular problem with which Applicant is involved. As noted above, Grimble is directed to broadband telecommunications switching and to high speed ATM packet switches. In contrast, Applicant's subject matter pertains to configuration of a computer for IR communication to improve the user experience. Even assuming that Grimble's telecommunications switching is improving the user experience, Grimble's device does not address the problem of configuring a computer for IR communication. As such, Grimble is not reasonably pertinent to the particular problem addressed by the Applicant.

Because it fails both prongs of the above analysis, Grimble is non-analogous art, and any §103 rejection based on Grimble is improper. On at least this basis, the Applicant requests reconsideration and withdrawal of the stated § 103 rejections of Claim 1.

Modification Renders Primary Reference Unsatisfactory for Intended Purpose

Second, the MPEP states, "if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification" (MPEP §2143.01 V.) For example, using

Grimble's system in Belt would render Belt unsatisfactory for its intended purpose. In particular, the system of Belt would be rendered unsatisfactory in automatic IR port detection and switching, if modified by the teachings of Grimble's high speed ATM packet switches. Also, Feagans would be rendered unsatisfactory in communicating with a serial communications device, if modified by the teachings of Grimble's high speed ATM packet switching. Therefore, the modification presented would render Belt, Feagans, and Grimble inoperable. Thus, there can be no motivation to combine the references as proposed.

Independent Claim 20 is directed to a set-top-box method and is allowable for reasons similar to those discussed above with respect to Claim 1.

Dependent Claims 3, 4, and 21-22 depend directly from one of independent Claims 1 and 20, respectively, are allowable by virtue of this dependency. These claims are also allowable for their own recited features that, in combination with those recited in Claim 1, are not taught, or suggested by Belt, Feagans, or Grimble.

For example, Belt, Feagans, and Grimble fail to teach or suggest "the port detector cycles through the communication ports and attempts to open the communication ports, the port detector using results from the attempts to determine whether each communication port exists and whether each communication port is available for use or busy", as recited in Applicant's dependent Claims 3 and 21.

For example, Belt, Feagans, and Grimble fail to teach or suggest "the port detector checks a software driver associated with an infrared transceiver to identify a communication port associated with the infrared transceiver", as recited in Applicant's dependent Claims 4 and 22.

Applicant respectfully submits that the cited references do not render the claimed subject matter obvious and that the claimed subject matter, therefore, patentably distinguishes over the cited references. For all of these reasons, Applicant respectfully requests the §103(a) rejection of these claims should be withdrawn.

Conclusion

Claims 1, 3-4, 20-22, and 30-42 are in condition for allowance. Applicant respectfully requests reconsideration and prompt allowance of the subject application. If any issue remains unresolved that would prevent allowance of this case, the Office is requested to contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

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